

REMARKS

This Response is submitted in reply to the Final Office Action mailed on November 6, 2008, and in conjunction with the enclosed Request for Continued Examination. Claims 1 to 4, and 6 to 19 are pending in this application. Applicants have amended Claims 1, 6, 12, and 16. Applicants have cancelled Claim 3 without prejudice or disclaimer. Claim 5 stands previously cancelled. The Director is authorized to charge Deposit Account No. 02-1818 for any fees due in connection with this Response and this Request for Continued Examination. If such a withdrawal is made, please indicate the Attorney Docket No. 112857-543 on the account statement.

As noted above, Applicants have filed a Request for Continued Examination with this Response. Accordingly, Applicants request that the Examiner provide an upcoming Office Action which will "... identify any claims which he or she judges, as presently recited, to be allowable and/or ... suggest any way in which he or she considers that rejected claims may be amended to make them allowable" in accordance with §707.07(d) of the MPEP.

Objections

The Office Action objected to the disclosure because of lack of antecedent basis for the claimed "computer readable medium". Applicants respectfully disagree with and traverse this rejection.

Applicants submit that "computer readable medium" is supported in the specification at least in paragraph [0137]. Specifically, paragraph [0137] of the specification states: "[t]he steps described in the embodiment of the present invention may be considered as a method including these steps or may be considered as a program or a recording medium for recording the program for instructing a computer to execute these steps." (Emphasis Added). Applicants submit that one skilled in the art would recognize "a recording medium for recording the program for instructing a computer to execute these steps" to be a computer readable medium.

For at least these reasons, Applicants submit that the specification includes sufficient antecedent basis for the claimed "computer readable medium". Therefore, Applicants respectfully submit that this objection is improper and should be withdrawn.

Claim Rejections Under 35 U.S.C. § 112

The Office Action rejected Claims 16 and 17 under 35 U.S.C. § 112 as failing to comply with the written description requirement. The Office Action stated that the original disclosure does not support the newly claimed “computer readable medium” in claims 16 and 17.

As discussed above with respect to the objection to the disclosure, “computer readable medium” is supported in the specification at least in paragraph [0137]. For at least these reasons, the original disclosure fully supports the claimed “computer readable medium”. Therefore, Applicants respectfully submit that this rejection is improper and should be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

The Office Action rejected Claims 1 to 4, and 6 to 19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 20020097645 to Mikawa (“Mikawa”) in view of Japanese Patent Application Publication No. 2001176189 to Osawa (“Osawa”). Applicants respectfully disagree with, and traverse, these rejections. Nevertheless, to advance prosecution, Applicants have amended certain of the claims for clarity.

Amended independent Claim 1 now recites in part: “wherein, the identification information supplying means includes character string inputting means for inputting arbitrary character strings, and at least part of the identification information includes an arbitrary character string input by the character string inputting means.” The specification supports this amendment at least in Claim 3, as originally filed, and in paragraphs [0064] through [0070] of the published application.

Applicants respectfully submit that Mikawa fails to disclose or suggest an identification information supplying means which includes a character string inputting means for inputting arbitrary character strings, and at least part of the identification information includes an arbitrary character string input by the character string inputting means. Page 5 of the Office Action interprets the time and date (TOD) information of Mikawa to be the character string of amended Claim 1. However, Applicants submit that the TOD information of Mikawa is not an arbitrary character string because it is “initialization time-and-date (hereinafter referred to as ‘TOD’) information which indicates time and date of initialization of the disk D”. Mikawa, paragraph

[0038]. That is, the Mikawa TOD information is generated to represent specific information (i.e., time and date information) associated with the disk (e.g., the initialization time and date or the update time and date). Thus, since the TOD information of Mikawa is restricted to being time and date information, it is not an arbitrary character string. On the other hand, for example, paragraph [0065] of the published specification states:

by allowing an arbitrary character string to be recorded as part of the disk identification information, the disk identification information can be easily visible by the user while maintaining the ability of identifying the disk.

Additionally, paragraph [0067] of the specification states:

if the disk identification information 511 is a string of numbers "39203940409," a character string "BASEBALL" is assigned instead as the disk name 512. In this way, when information related to this disk is displayed in a menu, a disk name, which is easily visible, can be used instead of the original disk identification information.

Therefore, unlike amended independent Claim 1, Mikawa does not disclose or render obvious a recording medium managing apparatus which includes, among other elements, an identification information supplying means which includes a character string inputting means for inputting arbitrary character strings, and at least part of the identification information includes an arbitrary character string input by the character string inputting means. Osawa does not cure the deficiencies of Mikawa. Moreover, it would not have been obvious to a person having ordinary skill in the art to modify the cited references to include these features without reasonably being construed as impermissible hindsight reasoning.

For at least these reasons, amended independent Claim 1 is patently distinguished over Mikawa in combination with Osawa, and is in condition for allowance.

Claims 2, 4, 6 to 11, 18, and 19 depend directly or indirectly from amended independent Claim 1 and are allowable for similar reasons, and because of the additional features recited in these claims.

Independent Claims 12 and 16 have been amended to include similar features as amended Claim 1 and are allowable for at least similar reasons.

With respect to independent Claims 13 and 17, Applicants reiterate their previously submitted argument that Mikawa fails to disclose or suggest receiving an instruction for

recording a content item on an assigned recording medium that is not currently loaded in the Mikawa apparatus. Paragraph [0059] of Mikawa discloses that:

at the time of insertion of the disk D, the disk file information may be read and stored in the internal memory within the management information generator 113. In such a case, subsequent to the storing of the disk file information in the memory, the disk management information is processed and altered within the memory and the resulting disk management information is written on the disk D at an appropriate timing, for example, at a timing when the disk D is not being accessed for a predetermined time, or at a timing when the disk is ejected or when the power supply for the apparatus is turned OFF.

However, although Mikawa discloses delaying writing disk management information to the disk, Mikawa does not disclose that when the disk is not loaded, information may be instructed to be written to the disk. Furthermore, Mikawa does not disclose that the information is content information; Mikawa only discloses that the information is disk management information. Therefore, unlike the methods of Claims 13 and 17, Mikawa does not disclose or render obvious storing a content item instructed to be recorded in the suspended-content-storing means and updating the suspension information of the suspension information storing means when the assigned recording medium is not loaded. Osawa does not cure the deficiencies of Mikawa. Moreover, it would not have been obvious to a person having ordinary skill in the art to modify the cited references to include these features without reasonably being construed as impermissible hindsight reasoning.

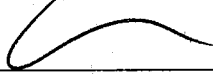
For at least these reasons, Applicants respectfully request that the obviousness rejection with respect to independent Claims 13 and 17, and Claims 14 and 15, which depend directly from Claim 13, be reconsidered and the rejection be withdrawn.

An earnest endeavor has been made to place this application in condition for formal allowance, and such action is courteously solicited.

Respectfully submitted,

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